

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

FILED

Aug 24 2009

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

DOUGLAS R. LYNN and,)
GINA L. LYNN,)
Plaintiffs)
vs.)
ALLSTATE PROPERTY and CASUALTY)
COMPANY,)
Defendant.)

CIVIL ACTION

No. 1 : 09-cv-221

JURY DEMAND

Mattice/Clark

NOTICE OF REMOVAL

Comes now the defendant, Allstate Property and Casualty Company, and petitions this Court for removal of an action heretofore filed in the Circuit Court for McMinn County, Tennessee, and for grounds would show the Court as follows:

I.

The above named plaintiffs have filed a Complaint and Summons in the Circuit Court for McMinn County, Tennessee, under Case No. 28388 said action being filed on the 31st day of July, 2009, and a copy of said complaint being served on defendant Allstate Property and Casualty Company on August 17, 2009.

II.

The above lawsuit is a breach of contract action wherein the plaintiffs seek recovery from the defendant of the proceeds of an insurance policy allegedly insuring a house and contents at 216 County Road 656, Athens, Tennessee, which were allegedly damaged by a fire on or about August 2, 2008. The plaintiffs submitted a document entitled *Sworn Statement in Proof of Loss* stating that the amount claimed under the policy is \$242,994. The

complaint seeks damages in an amount in excess of \$75,000.00. A copy of the Complaint is attached hereto as Exhibit "A".

III.

This Notice of Removal is filed within the statutory period required by 28 U.S.C. §1446. There is a complete diversity between the plaintiffs and defendant and the amount in controversy exceeds the sum of Seventy Five Thousand (\$75,000.00) Dollars, exclusive of interest and cost.

IV.

The plaintiffs are citizens and residents of McMinn County, Tennessee and are domiciled in McMinn County, Tennessee. Defendant, Allstate Property and Casualty Company, is a corporation organized and existing under the laws of the State of Illinois with its principal place of business in Northbrook, Illinois. It is not incorporated in Tennessee and does not have its principal place of business in Tennessee. There is complete diversity of citizenship between the parties as required by 28 U.S.C. §1332. The amount in controversy exceeds Seventy Five Thousand (\$75,000.00) Dollars exclusive of interest and costs and is, therefore, within the statutory jurisdiction set forth at 28 U.S.C. §1332.

V.

WHEREFORE, the defendant, Allstate Property and Casualty Company, respectfully requests the Court to accept removal of this cause from the Circuit Court for McMinn County, Tennessee, and to proceed with this action in accordance with the law.

BAKER, KINSMAN, HOLLIS, CLELLAND
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By: 
N. Mark Kinsman, B.P.R. #6039
J. Chad Hogue, B.P.R. # 025457
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of this *Disclosure Statement* upon the below named attorney either by messenger delivery or by depositing same in the U.S. Mail with sufficient postage attached thereto to ensure for proper delivery, addressed as follows:

Derek T. Green, Esq.
Reid, Winder & Green, PLLC
10 West Madison Avenue
Athens, TN 37371

This 24 day of August, 2009.

BAKER, KINSMAN, HOLLIS, CLELLAND
& WINER, P.C.
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By: 
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Attorneys for Defendant